

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAYLAN MCLEE,	)	
	)	Civil Action No. 18-1630
Plaintiff,	)	
	)	Senior District Judge Joy Flowers Coni
v.	)	Magistrate Judge Patricia L. Dodge
	)	
DALE BROWN, JAMES PIERCE,	)	
ADAM SIKORSKI and KIP	)	
YAROSH,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Currently pending before the court are a motion for summary judgment (ECF No. 40) filed by plaintiff Daylan McLee (“McLee”) and a motion for summary judgment (ECF No. 43) filed by defendants Dale Brown, James Pierce, Adam Sikorski, and Kip Yarosh (collectively “defendants”). Both Motions were referred to a United States Magistrate Judge in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72 of the Local Rules for Magistrate Judges.

On February 19, 2021, the magistrate judge filed a Report and Recommendation (“R&R”) (ECF No. 82) wherein she recommended that both motions for summary judgment be denied. The parties were served with the R&R and advised that the deadline to file written objections to it was March 5, 2021. As of today, no objections have been filed. Accordingly, the following Order is now entered.

**AND NOW**, this 10<sup>th</sup> day of March 2021,

**IT IS HEREBY ORDERED** that the R&R (ECF No. 133) is adopted as the opinion of the Court.

**IT IS FURTHER ORDERED** that the motion for summary judgment (ECF No. 40) filed by McLee is **HEREBY DENIED**;

**IT IS FURTHER ORDERED** that the motion for summary judgment (ECF No. 43) filed by defendants is **HEREBY DENIED**; and

**IT IS FURTHER ORDERED** that a telephonic status conference is scheduled before the undersigned judge for **March 24, 2021, at 1:45 p.m.** The court via email will provide the parties the dial-in information for the telephonic status conference.

**IT IS SO ORDERED.**

/s/ Joy Flowers Conti  
Joy Flowers Conti  
Senior United States District Judge